

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DISTRICT

- - - - - x  
:  
UNITED STATES OF AMERICA, :  
:  
Plaintiff, : Criminal No. 13-00031-JKB  
:  
v. :  
:  
RYAN LOHR, :  
:  
Defendant. : Baltimore, Maryland  
:  
- - - - - x January 30, 2013

**UNSEALED HEARING**

BEFORE THE HONORABLE JUDGE JAMES K. BREDAR

APPEARANCES:

For the Government: FORREST S. CHRISTIAN, Esq.  
P. MICHAEL CUNNINGHAM, Esq.  
SANGAY PATEL, Esq.  
U.S. Department of Justice  
Civil Rights Division  
Criminal Section  
601 "D" Street, N.W.  
Washington, D.C. 20004

For the Defendant: SHAUN F. OWENS, Esq.  
Schrachman, Belsky & Weiner  
300 East Lombard Street  
Suite 1100  
Baltimore, Maryland 21202

Audio Operator: HOWARD GOLDSMITH

Proceeding recorded by electronic sound recording,  
transcript produced by transcription service.

Transcription Company:

CompuScribe  
5100 Forbes Boulevard  
Suite 101  
Lanham, Maryland 20706  
301/577-5882

I N D E X

	<u>Page</u>
<u>Advice of Rights:</u>	
by Judge James K. Bredar	3
<u>Review of Count Information:</u>	
by Judge James K. Bredar	25
<u>Factual Basis:</u>	
by Forrest S. Christian, Esq.	
On Behalf of the Government	27
Court to Defendant	32
<u>Findings:</u>	
by Judge James K. Bredar	33
 <u>EXHIBITS:</u>	
	<u>FOR IDENTIFICATION</u> <u>IN EVIDENCE</u>
<u>For the Government:</u>	
_____ 1 _____	13      37
2	32      --

km

4

1                               P R O C E E D I N G S

2                               THE COURT: Good afternoon, receipt of pleas.

3                               Mr. Christian, you may call the case.

4                               MR. CHRISTIAN: Good afternoon, Your Honor. It is  
5                               13-031, United States versus Ryan Lohr.

6                               THE COURT: Okay. Appearances.

7                               MR. CHRISTIAN: Forrest Christian for the United  
8                               States. I am here with my colleague, Sangay Patel.

9                               THE COURT: Thank you. Mr. Owens.

10                              MR. OWENS: Your Honor, on behalf of the Defendant,  
11                              Shaun Owens, present with my client, Mr. Ryan Lohr, standing  
12                              here to my right at trial table.

13                              THE COURT: Thank you. And, sir, are you  
14                              Ryan Lohr?

15                              THE DEFENDANT: Yes, Sir.

16                              THE COURT: Did I pronounce your name correct?

17                              THE DEFENDANT: Yes, Sir.

18                              THE COURT: Mr. Owens, I would be grateful if you  
19                              and your client would approach the podium.

20                              MR. OWENS: We certainly will, Your Honor.

21                              THE COURT: So, Mr. Lohr, this is your first  
22                              appearance in court, I take it, on this matter, is that  
23                              right?

24                              THE DEFENDANT: Correct.

25                              THE COURT: So, we are here to advise you of your

km

1 rights and then to undertake other proceedings as well.

2 Have you received a copy of the Information, which  
3 the Government proposes to file against you here in a few  
4 minutes?

5 THE DEFENDANT: Yes, Sir.

6 THE COURT: And have you received a copy of this  
7 document titled Waiver of Indictment?

8 THE DEFENDANT: Yes, Sir.

9 THE COURT: Have you talked with your lawyer about  
10 your right to be charged with this offense only by way of  
11 Grand Jury Indictment?

12 THE DEFENDANT: Yes, Sir.

13 THE COURT: And understanding that you have the  
14 right to have this matter first presented to a Federal Grand  
15 Jury, for their consideration, you nonetheless wish to waive  
16 that right and consent to the Government charging you without  
17 going to the Grand Jury, simply filing a piece of paper in  
18 the court that amounts to an accusation. Is that right?

19 THE DEFENDANT: Yes, Sir.

20 THE COURT: You understand what I am talking about  
21 here?

22 THE DEFENDANT: Yes, Sir.

23 THE COURT: You reviewed this procedure with your  
24 lawyer?

25 THE DEFENDANT: Yes, Sir.

1           THE COURT: And you have confirmed that, Mr. Owens,  
2 you have gone over your client's right to Grand Jury  
3 Indictment with him?

4           MR. OWENS: We have indeed, Your Honor.

5           THE COURT: Very well. I acknowledge this Waiver  
6 of Indictment in this case and approve it and accept it.

7           You have been charged -- and I now authorize the  
8 Government to file their One Count Information against the  
9 Defendant, which was present provisionally previously on the  
10 eighteenth of January. It is now formally accepted for  
11 filing and docketing against the Defendant.

12           This is in one Count. And the general gist of this  
13 is that you are accused from on or about March 9th of 2008 to  
14 at least November 2nd of 2012, here in Maryland of willfully  
15 combining, conspiring and agreeing with other known RCI  
16 Correctional Officers, which must be Roxbury Road -- but let  
17 us see if you got that defined in here somewhere, Roxbury  
18 Correctional Institution Officers and Supervisors, to commit  
19 an offense against the United States, that is to obstruct  
20 justice and destroy evidence in violation of Title 18 of the  
21 United States Code, Sections 1512 and 1519.

22           And -- allegedly it was the plan and purpose of the  
23 conspiracy of which you were a member to provide  
24 investigators with false and misleading information about the  
25 March 9th, 2008 beating of an inmate, whose initials were KD.

km

1 And to cover up other information in order to insure that  
2 your roll in the assault on this inmate would not be  
3 discovered. And that the involved officers would be shielded  
4 from liability.

5 And then you and your fellow conspirators are  
6 accused of engaging in overt acts in furtherance of that  
7 conspiracy.

8 If you are convicted on this one Count you face a  
9 maximum possible penalty of five years in prison, a  
10 \$250,000.00 fine or both plus -- is it three years on  
11 supervised release -- three years -- up to three years on  
12 supervised release and a hundred dollar Special Assessment.

13 Do you feel, Mr. Lohr, that you understand the  
14 nature of the charge pending against you and the maximum  
15 possible penalty that could be imposed upon you?

16 THE DEFENDANT: Yes, Sir.

17 THE COURT: You have the right to remain silent.  
18 You are not required to make any statements. Anything you do  
19 say may be used against you in future court proceedings.

20 You have the right to be represented by an attorney  
21 in all stages of the proceedings, from this point forward,  
22 this means that you have the right to counsel during any  
23 questioning by the Government, during any investigative  
24 proceeding, and certainly during all future court  
25 appearances.

km

1           If you could not afford an attorney one will be  
2 appointed for you to be paid for by the Government, without  
3 any cost to you.

4           Do you understand your right to remain silent?

5           THE DEFENDANT: Yes, Sir.

6           THE COURT: Do you understand your right to legal  
7 counsel?

8           THE DEFENDANT: Yes, Sir.

9           THE COURT: Please raise your right hand.

10          (Whereupon, the Defendant was sworn.)

11          THE COURT: Please state your full name for the  
12 record.

13          THE DEFENDANT: Ryan William Lohr.

14          THE COURT: How old are you?

15          THE DEFENDANT: Twenty-six.

16          THE COURT: What year were you born?

17          THE DEFENDANT: 1986.

18          THE COURT: What is your address?

19          THE DEFENDANT: 11200 Crescent Mill Road,  
20 Flintstone, Maryland, 21530.

21          THE COURT: Have you taken any medication or  
22 alcohol or medication into your body in the last 24 hours?

23          THE DEFENDANT: No, Sir.

24          THE COURT: Is there anything about your status  
25 here this afternoon that is compromising your ability to



km

9

1 think clearly or --

2 THE DEFENDANT: No, sir.

3 THE COURT: -- understand what is going on?

4 THE DEFENDANT: I understand what is going on, Sir.

5 THE COURT: Okay. You agree, Mr. Owens, based on  
6 your time with your client today?

7 MR. OWENS: Absolutely, Your Honor.

8 THE COURT: Okay. And, Mr. Lohr, your plan for  
9 obtaining a lawyer in this case. I take it that you have  
10 hired Mr. Owens to represent you, is that right?

11 THE DEFENDANT: Yes, it was through the Legal  
12 Defense Plan that --

13 THE COURT: Through your union or through --

14 THE DEFENDANT: Yes.

15 THE COURT: -- somehow you had counsel made  
16 available to you.

17 THE DEFENDANT: Right.

18 THE COURT: And counsel has been retained to  
19 represent you?

20 THE DEFENDANT: Yes.

21 THE COURT: You may not be directly paying the  
22 lawyer but you have a lawyer who is representing you as far  
23 as you are concerned?

24 THE DEFENDANT: Yes, Sir.

25 THE COURT: And you are not requesting that the

km

1 Court appoint counsel to represent you under the Criminal  
2 Justice Act?

3 THE DEFENDANT: Correct.

4 THE COURT: Any reason to believe that the  
5 Defendant is not a U.S. citizen?

6 MR. CHRISTIAN: Not for the Government, Your Honor.

7 THE COURT: Mr. Owens?

8 MR. OWENS: No, Your Honor. I believe I have good  
9 information to suggest that he is a U.S. citizen.

10 THE COURT: Okay.

11 (Pause)

12 THE COURT: And so, Mr. Lohr, a few minutes ago,  
13 this One Count Information was filed against you. It is my  
14 understanding that today you wish to enter a plea of Guilty  
15 with respect to this Information, is that right?

16 THE DEFENDANT: That is correct.

17 THE COURT: That your understanding as well,  
18 Mr. Owens?

19 MR. OWENS: It is, Your Honor.

20 THE COURT: The Defendant has already been sworn,  
21 so we will proceed now with the Arraignment. State your full  
22 name for the record.

23 THE DEFENDANT: Ryan William Lohr.

24 THE COURT: Again the year of your birth?

25 THE DEFENDANT: 1986.

km

1 THE COURT: Making you how old?

2 THE DEFENDANT: Twenty-six.

3 THE COURT: And you have obviously just received a  
4 copy of the Information that was filed against you, right?

5 THE DEFENDANT: Correct.

6 THE COURT: Do you understand that Information?

7 THE DEFENDANT: Yes, Sir.

8 THE COURT: And you listened carefully a moment ago  
9 when I reviewed the specific charge to which you intend to  
10 plead Guilty, right?

11 THE DEFENDANT: That is correct.

12 THE COURT: So, how do you plea, guilty or not  
13 guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: Mr. Lohr, before I can accept your  
16 Guilty plea I must ask you a number of questions and consider  
17 the answers that you give me in response to those questions  
18 so please listen carefully and answer and respond as best you  
19 are able. If at any time you need to stop and speak your  
20 attorney, just indicate that you need a moment to do that and  
21 we will pause and allow you to confer with him. Okay?

22 THE DEFENDANT: Okay.

23 THE COURT: Do you understand that you are now  
24 under oath and that if you answer any of my questions falsely  
25 you will be subject to another prosecution for perjury or for

1 making a false statement?

2 THE DEFENDANT: Yes, I understand, Sir.

3 THE COURT: You understand that?

4 THE DEFENDANT: Yep.

5 THE COURT: How far did you go in school?

6 THE DEFENDANT: Twelfth grade.

7 THE COURT: Are you having any difficulty  
8 understanding me?

9 THE DEFENDANT: No, Sir.

10 THE COURT: Are you current -- well, we covered  
11 your competency when we advised you a moment ago.

12 Have you fully discussed the charges in the  
13 Information with your lawyer?

14 THE DEFENDANT: Yes, Sir.

15 THE COURT: And the case in general?

16 THE DEFENDANT: Yes, Sir.

17 THE COURT: Are you fully satisfied with the legal  
18 representation that you have received from Mr. Owens?

19 THE DEFENDANT: Yes, Sir.

20 THE COURT: You believe that your attorney has  
21 given you good advice?

22 THE DEFENDANT: Yes, Sir.

23 THE COURT: Do you believe that he has been as  
24 zealous and affective legal advocate --

25 THE DEFENDANT: Absolutely.

km

1 THE COURT: -- on your behalf?

2 THE DEFENDANT: Absolutely.

3 THE COURT: And I understand, Mr. Christian and  
4 Mr. Owens, that there is a Plea Agreement in the case, is  
5 that right?

6 MR. OWENS: Correct, Your Honor.

7 MR. CHRISTIAN: That is correct, Your Honor.

8 (The document referred to was  
9 marked for identification as  
10 Government's Exhibit 1.)

11 THE COURT: It will be marked as the Government's  
12 Exhibit No. 1. It will be received at the conclusion of this  
13 proceeding.

14 (Pause)

15 THE COURT: Mr. Christian, turning to page six, you  
16 signed this Plea Agreement and bound the Government to its  
17 terms, is that right?

18 MR. CHRISTIAN: That is correct, Your Honor.

19 THE COURT: Turning to page seven, Mr. Owens,  
20 please read into the record out loud the paragraph preceding  
21 your client's signature

22 MR. OWENS: I am Ryan Lohr's Attorney. I have  
23 carefully reviewed every part of this --

24 THE COURT: No. Before you client's signature.

25 MR. OWENS: Pardon me, Your Honor, I though you

km

1 were asking for mine. Before Mr. Lohr's signature it reads,  
2 I have read this Agreement including the Sealed Supplement  
3 and carefully reviewed every part of it with my attorney. I  
4 understand it and I voluntarily agree to it. Specifically, I  
5 have reviewed the factual and advisory Guidelines'  
6 stipulation with my attorney and I do not wish to change any  
7 part of it. I am completely satisfied with the  
8 representation of my attorney.

9 THE COURT: Mr. Lohr, is that your statement?

10 THE DEFENDANT: Yes, Sir.

11 THE COURT: Is it true?

12 THE DEFENDANT: Yes, Sir.

13 THE COURT: And did you sign it where I see the  
14 blue ink signature of Ryan Lohr?

15 THE DEFENDANT: Yes, Sir.

16 THE COURT: Mr. Owens, you signed the Plea  
17 Agreement, as well, after the standard statement for a  
18 Defense Counsel in this context, is that right?

19 MR. OWENS: I did, Your Honor.

20 THE COURT: Mr. Lohr, did you have an opportunity  
21 to read and discuss the Plea Agreement with your lawyer  
22 before you signed it?

23 THE DEFENDANT: Yes, Sir.

24 THE COURT: Have you fully reviewed each and every  
25 term of that Plea Agreement with your attorney?

km

1 THE DEFENDANT: Yes, Sir.

2 THE COURT: Do you understand it?

3 THE DEFENDANT: Yes, Sir.

4 THE COURT: Okay. Under the terms of the Plea  
5 Agreement, I understand you have agreed to plead Guilty to  
6 the One Count Information. I understand that the Government  
7 has agreed that at the time of sentencing it will ask the  
8 Court to impose a sentence that falls within the applicable  
9 Sentencing Guidelines range. Any Sealed Supplement to this  
10 Plea Agreement is also a part of the Agreement. We will  
11 discuss any Sealed Supplement separately under Seal. There  
12 may or may not be a Sealed Supplement in the case.

13 Have I correctly summarized your Agreement?

14 THE DEFENDANT: Yes, Sir.

15 THE COURT: Do you agree that the Government's  
16 Exhibit No. 1, together with any Sealed Supplement, sets out  
17 the entire Agreement that you have made with the Government  
18 and that there are no other agreements or promises that have  
19 been made?

20 THE DEFENDANT: Yes, Sir.

21 THE COURT: Has any made any promises or assurances  
22 that --

23 THE DEFENDANT: No, Sir.

24 THE COURT: -- are not in the Plea Agreement --

25 THE DEFENDANT: No --

km

1 THE COURT: -- or any Sealed Supplement to persuade  
2 you to accept the Plea Agreement?

3 THE DEFENDANT: No, Sir.

4 THE COURT: Has anybody made any threats or used  
5 any violence or force against you or against someone close to  
6 you in order to persuade you to accept this agreement?

7 THE DEFENDANT: No, Sir.

8 THE COURT: Do you understand that the Court is not  
9 a party to the Agreement?

10 THE DEFENDANT: Yes, Sir.

11 THE COURT: Do you understand that to the extent  
12 the terms of the Plea Agreement allow the parties to make  
13 sentencing recommendations to the Court? That I can reject  
14 those recommendations without permitting you to withdraw your  
15 plea of Guilty?

16 THE DEFENDANT: Yes, Sir. I understand.

17 THE COURT: Do you understand that I may impose a  
18 sentence that is more severe then you may be expecting?

19 THE DEFENDANT: Yes, Sir.

20 THE COURT: Are you pleading Guilty of your own  
21 free will because you are guilty?

22 THE DEFENDANT: Yes, Sir.

23 THE COURT: The offense to which you are pleading  
24 guilty is a felony offense. If I accept your guilty plea you  
25 will be judged guilty of that offense and that adjudication



km

1 may deprive you of valuable civil rights, such as the right  
2 to vote, the right to hold public office, the right to serve  
3 on a jury, the right to obtain or keep certain benefits, like  
4 student loans or public housing, the right to obtain certain  
5 permits and licenses and the right to possess any kind of a  
6 firearm. Do you understand that you may lose all of those  
7 rights if you plead guilty?

8 THE DEFENDANT: Yes, Sir.

9 THE COURT: Any necessity for immigration status  
10 advisement, Mr. Christian?

11 MR. CHRISTIAN: No, Your Honor.

12 THE COURT: Mr. Owens?

13 MR. OWENS: No, Your Honor.

14 THE COURT: Maximum possible penalty for this  
15 offense, as we have already discussed, is five years in  
16 prison. You understand that?

17 THE DEFENDANT: Yes, Sir.

18 THE COURT: Do you understand that if you are  
19 ordered incarcerated, that as a part of your sentence you  
20 will ordered to serve a term of supervised release, with a  
21 maximum term of three years, after you are released from  
22 incarceration?

23 THE DEFENDANT: Yes, Sir.

24 THE COURT: Do you understand that while on  
25 supervised release you will be subject to supervision and

km

1 that you will be required to comply with certain conditions?

2 THE DEFENDANT: Yes, Sir.

3 THE COURT: You understand that if you violate the  
4 terms and conditions of supervised release that you could be  
5 returned to prison for a term that may be as great as the  
6 term of supervised release and that upon return to prison you  
7 may not be given credit for your street time?

8 THE DEFENDANT: Yes, Sir.

9 THE COURT: Do you understand that you may be  
10 required to pay a fine or the maximum amount of \$250,000.00  
11 as an additional consequence if your Guilty plea is accepted?

12 THE DEFENDANT: Yes, Sir.

13 THE COURT: Do you understand that the Court may  
14 also order you to pay restitution to any victim of your  
15 offense?

16 THE DEFENDANT: Yes, Sir.

17 THE COURT: Forfeiture issues in this case,  
18 Mr. Christian?

19 MR. CHRISTIAN: No, Your Honor.

20 THE COURT: Do you understand that you must pay  
21 a Special Assessment of \$100.00 if you Guilty plea is  
22 accepted?

23 THE DEFENDANT: Yes, Sir.

24 THE COURT: Do you understand that the Court may  
25 order you to provide notice of your conviction to certain

km

1 third parties including victims if your Guilty plea is  
2 accepted?

3 THE DEFENDANT: Yes, Sir.

4 THE COURT: Do you understand all these possible  
5 consequence of your Guilty Plea?

6 THE DEFENDANT: Yes, Sir.

7 THE COURT: You sentence will be determined by the  
8 Court after consulting the United States Sentencing  
9 Guidelines, which are advisory. After considering possible  
10 departures from those Guidelines as permitted in Federal  
11 Sentencing Law, and after considering other sentencing  
12 factors, that are set out in Title 18 of the United States  
13 Code, Section 3553(a).

14 Have you and your attorney talked about how the  
15 Sentencing Guidelines might apply in your case?

16 THE DEFENDANT: Yes, Sir.

17 THE COURT: Now, I have looked at the Plea  
18 Agreement in this case and it is quite general in its  
19 reference to the Sentencing Guidelines. No, particular  
20 computation is set out there that, Mr. Owens, I assume you  
21 have reviewed with your client, your sense of how the  
22 Sentencing Guidelines will be computed. And, of course, this  
23 is without any reference to any matters that might or might  
24 not be addressed in the Sealed Supplement to the Plea  
25 Agreement. But is that a fair assumption on my part?

km

1 MR. OWENS: That is a fair assumption, Your Honor.

2 THE COURT: And do you recall what the base Offense  
3 Level is in this case and where this matter ends up after  
4 points are accepted -- points are subtracted for acceptance  
5 of responsibility?

6 MR. OWENS: I do not, Your Honor. But I have the  
7 calculations in my office.

8 THE COURT: Mr. Christina, do you?

9 MR. CHRISTIAN: Yes, Your Honor. The United States  
10 believes that it would come out at a 31, as a total Offense  
11 Level, prior to any acceptance of responsibility. And the  
12 Government would seek that a three level reduction in any  
13 acceptance at the appropriate time.

14 THE COURT: So, twenty-eight one is what you are  
15 saying?

16 MR. CHRISTIAN: That is correct, Your Honor.

17 THE COURT: Which calls for a sentence of between  
18 78 and 97 months of imprisonment. And of course, there is a  
19 five year statutory maximum in the case.

20 Are these numbers that you are familiar with,  
21 Mr. Lohr?

22 THE DEFENDANT: Yes, Sir.

23 THE COURT: Okay. Do you understand that the Court  
24 will not be able to finally determine the Guidelines range  
25 for your case until after the Pre-Sentence Report has been

km

1 completed and after you and the Government have had an  
2 opportunity to challenge the computation, reported facts and  
3 the proposed application of the Guidelines by the Probation  
4 Department?

5 THE DEFENDANT: Yes, Sir.

6 THE COURT: Do you understand that any criminal  
7 history you may have will affect the computation of the  
8 Sentencing Guidelines in your case?

9 THE DEFENDANT: Yes, Sir.

10 THE COURT: You understand that in addition to  
11 considering the Sentencing Guidelines and any departures from  
12 the Guidelines that under 18 United States Code, Section  
13 3553(a), the Court will apply additional factors set out  
14 there and then may impose a sentence that is either greater  
15 or lesser than that specified by the Sentencing Guidelines  
16 and any departures thereunder?

17 THE DEFENDANT: Yes, Sir.

18 THE COURT: Do you understand that the sentence  
19 ultimately imposed may be different from any estimate that  
20 your attorney may have provided to you?

21 THE DEFENDANT: Yes, Sir.

22 THE COURT: Do you understand that parole has been  
23 abolished and that if you are sentenced to a term of  
24 incarceration you will not be released on parole?

25 THE DEFENDANT: Yes, Sir.

km

1 THE COURT: Do you understand that under some  
2 circumstances you may have a right to appeal your conviction  
3 in this case?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You understand that you and/or the  
6 Government may be entitled to appeal any sentence that I  
7 impose?

8 THE DEFENDANT: Yes, Sir.

9 THE COURT: You understand that by entering into  
10 the Plea Agreement in this case, and if your Guilty plea is  
11 accepted, you will have waived or given up your right to  
12 appeal your conviction and your sentence?

13 THE DEFENDANT: Yes, Sir.

14 THE COURT: In other words, whatever sentence that  
15 you get from me, you are going to be stuck with? You cannot  
16 take it to another Court.

17 THE DEFENDANT: I understand, Sir.

18 THE COURT: Okay. You understand that you are not  
19 required to plead guilty in this case.

20 THE DEFENDANT: Yes, Sir.

21 THE COURT: Do you understand that you have the  
22 right to plead not guilty to any offense charged against you  
23 and to persist in that not guilty plea?

24 THE DEFENDANT: Yes, Sir.

25 THE COURT: Do you understand that if you plea not

km

1 guilty you would then have a right to a trial by jury?

2 THE DEFENDANT: Yes, Sir.

3 THE COURT: Do you understand that if your lawyer  
4 and the Government's lawyer were to assist me -- that your  
5 lawyer and the Government's lawyer would assist me in  
6 selecting twelve members of the community who would be  
7 brought into this courtroom, seated in this jury box over  
8 here to your left, and who would serve as your jury?

9 THE DEFENDANT: Yes, Sir.

10 THE COURT: Do you understand that at a trial you  
11 would be presumed to be innocent and that the Government  
12 would be required to prove your guilt beyond a reasonable  
13 doubt to the unanimous satisfaction of the jury and that if  
14 the Government could not do that, you could not be convicted  
15 in the case?

16 THE DEFENDANT: Yes, Sir.

17 THE COURT: Do you understand that a trial in  
18 every other critical stage of the proceedings in your case  
19 you are entitled to the assistance of a competent attorney to  
20 assist you, to advise you, to represent you and to advocate  
21 for you?

22 THE DEFENDANT: Yes, Sir.

23 THE COURT: Do you understand that if you cannot  
24 afford an attorney one will be appointed to represent you at  
25 no cost to you?

km

1 THE DEFENDANT: Yes, Sir.

2 THE COURT: Do you understand that during your  
3 trial you would have the right to see and hear all of the  
4 witnesses and that you and your attorney would be permitted  
5 to question or cross-examine all the witnesses testifying  
6 against you?

7 THE DEFENDANT: Yes, Sir.

8 THE COURT: Do you understand that you would have  
9 the right to present the testimony of your own witnesses. If  
10 those witnesses would not come to court voluntarily, you  
11 would be permitted to subpoena them and force them to come to  
12 court?

13 THE DEFENDANT: Yes, Sir.

14 THE COURT: Do you understand that you would have  
15 the right to testify yourself during your trial?

16 THE DEFENDANT: Yes, Sir.

17 THE COURT: Do you understand that you would also  
18 have the right to decline to testify, and that if you so  
19 decline, the fact that you did not testify during your trial  
20 could not be held against you in any way?

21 THE DEFENDANT: Yes, Sir.

22 THE COURT: Do you understand that if you elected  
23 to present no defense at all at trial that could not be held  
24 against you?

25 THE DEFENDANT: Yes, Sir.



km

1 THE COURT: Do you understand that if you were  
2 convicted after a trial and you could appeal that conviction  
3 to a higher Court?

4 THE DEFENDANT: Yes, Sir.

5 THE COURT: Do you understand that after you enter  
6 a plea of Guilty, if that plea is accepted by the Court,  
7 there will be no trial?

8 THE DEFENDANT: Yes, Sir.

9 THE COURT: And -- you will have waived or given up  
10 your right to a trial as well as the other rights associated  
11 with a trial, as I have just explained them to you?

12 THE DEFENDANT: Yes, Sir.

13 THE COURT: You have indicated that you intend to  
14 plea Guilt to this One Count Information. I want to review  
15 with you now what we call the essential elements of that  
16 offense. These are the things that the Government would have  
17 to prove in order for you to be convicted in this case.  
18 Okay?

19 First, they would have to prove that two or more  
20 persons agreed to commit an offense against the United  
21 States, as charged in the Information.

22 Second, they would have to prove that you were a  
23 party to or a member of that agreement.

24 Third, they would have to prove that you joined the  
25 agreement or the conspiracy. Knowing of its objective to

km

1 obstruct justice and destroy evidence. And intending to join  
2 together with at least one of the other -- one other alleged  
3 co-conspirators to achieve that objective.

4 Fourth, they would have to prove that at some time  
5 during the existence of the agreement of the conspiracy that  
6 at least one of its members performed an overt act in order  
7 to further the objectives of the agreement.

8 Fifth, they would have to prove that this  
9 conspiracy, this crime of conspiracy occurred, at least in  
10 part, within the District of Maryland.

11 Last of all, they would have to prove that this  
12 misconduct occurred from on or about March 9th of 2008  
13 through at least November 2nd of 2012. Actually from an  
14 elemental standpoint, they would have to prove that it  
15 happened at some time during that period.

16 You understand that these are the essential  
17 elements of the offence. And if the Government could not  
18 prove each and every one of these elements beyond a  
19 reasonable doubt to the unanimous satisfaction of the jury,  
20 you could not be convicted on that county?

21 THE DEFENDANT: Yes, Sir.

22 THE COURT: Before I can accept your Guilty plea I  
23 must be satisfied that there is a factual basis for it.

24 (Pause)

25 THE COURT: Directing your attention to what has

km

1       been marked as Attachment A to the Government's Exhibit  
2       No. 1, titled Factual Basis. You have that in front of you?

3               THE DEFENDANT: Yes, Sir.

4               MR. OWENS: We do, Your Honor.

5               THE COURT: At the very bottom of the second page  
6       of that document I see the signature of Ryan Lohr, is that  
7       your signature?

8               THE DEFENDANT: Yes, Sir.

9               THE COURT: And when you signed at the bottom was  
10      the purpose -- was that to indicate that you are telling the  
11      Court that the statements contained on these two pages in  
12      Attachment A, Factual Basis, are true?

13              THE DEFENDANT: Yes, Sir.

14              THE COURT: Okay. The Government will go ahead now  
15      and provide us with the Factual Basis for the Guilty plea.  
16      And at your option, Mr. Christian, you may read this document  
17      into the record, or summarize it, whatever you see fit.

18              MR. CHRISTIAN: Okay, Your Honor. Thank you.  
19      Your Honor, if this matter went to trial the United States  
20      would prove beyond a reasonable doubt that the Defendant,  
21      Ryan Lohr, conspired with other Roxbury Correctional  
22      Institution officers to commit an offense against the United  
23      States, including obstruction of justice offenses, in  
24      violation of Title 18, United States Code, Sections 1512  
25      and 1519.

km

1 Defendant Lohr admits that this conspiracy was in  
2 violation of Title 18, United States Code, Section 371.

3 On or about March 9th, 2008 Defendant Lohr was  
4 employed at RCI as a correctional officer. On or about  
5 March 9th, 2009 the Defendant Lohr learned during Roll Call  
6 that an inmate by the initials KD had been moved to the  
7 administrative segregation intake area, or ASIA, because  
8 Inmate KD had assaulted an RCI officer from a previous shift.

9 Defendant Lohr was assigned to a part of the  
10 medical unit which included ASIA and that at some point  
11 Officer TH asked Defendant Lohr to come to ASIA. Defendant  
12 Lohr walked to ASIA where he saw Officers TH, LK, MM, RM and  
13 DN. Defendant Lohr understood that the officers had gathered  
14 in ASIA to assault Inmate KD in retaliation for KD's assault  
15 on an officer. And that the officers were waiting for  
16 Defendant Lohr to open the cell door. Defendant Lohr opened  
17 the door to Inmate KD's cell.

18 Defendant Lohr watched from the cell door as those  
19 officers entered the cell and beat Inmate KD. Officers used  
20 their feet and fists to strike Inmate KD on his head, face  
21 and body. Defendant Lohr saw that Inmate KD was lying on the  
22 ground when the officers beat him. Defendant Lohr did not  
23 observe Inmate KD act in a manner that warranted any use of  
24 force. Defendant Lohr recognized the force officers used on  
25 Inmate KD was unjustified and unlawful and was intended to

km

1 injure and punish Inmate KD for his prior assault on a RCI  
2 officer. Defendant Lohr observed Inmate KD had been injured  
3 by this assault.

4 Defendant Lohr stood by the door of Inmate KD's  
5 cell and watched the assault. He did not intervene or  
6 otherwise attempt to prevent these officers from assaulting  
7 Inmate KD.

8 During the assault Supervisor JH arrived in ASIA.  
9 Supervisor JH also did nothing to stop the assault.

10 Shortly after this assault Supervisor ES arrived in  
11 ASIA. Supervisor ES located the surveillance recording tapes  
12 and said that he was taking care of the issue. Supervisor ES  
13 waved what appeared to be a magnet over several surveillance  
14 tapes. Defendant Lohr understood this to be an effort by  
15 Supervisor ES to erase surveillance footage. Supervisor ES  
16 then hid the device in the drop ceiling.

17 Although Inmate KD had some visible injuries to his  
18 face prior to this assault, Inmate KD appeared to have  
19 additional injuries after this assault during the day shift.

20 After the assault Defendant Lohr directed others to  
21 clean up blood in Inmate KD's cell. And in so doing  
22 Defendant Lohr sought to conceal and cover up of the day  
23 shift's assault on Inmate KD.

24 Inmate KD was escorted to the medical dispensary to  
25 receive treatment for his injuries. And later was taken to

km

1 the hospital.

2 In the aftermath of the assault of Inmate KD,  
3 Defendant Lohr met with Officers TH, LK, MM, RM and DN at RCI  
4 to discuss the investigations into the assault. Defendant  
5 Lohr and the other officers agreed to provide false  
6 statements to the investigators inquiring about the assault  
7 on Inmate KD.

8 Defendant Lohr and the officers agreed they would  
9 falsely claim that they had no knowledge of how Inmate KD had  
10 been injured and they would falsely deny having participated  
11 in the assault. And that Lohr knew that these claims were  
12 untrue.

13 Defendant Lohr advised these officers to tell  
14 investigators that he did not see -- they did not see  
15 Defendant Lohr in ASIA. When Defendant Lohr met with RCI and  
16 Maryland State Police Investigators regarding the incident  
17 involving Inmate KD, Defendant Lohr concealed that he and his  
18 co-conspirators were involved in a cover up on the assault on  
19 Inmate KD. And provided investigators with false and  
20 misleading statements about the beating.

21 Among other lies Defendant Lohr falsely told RCI  
22 and MSP investigators that he did not witness anyone  
23 assaulting or beating Davis. Defendant Lohr also falsely  
24 denied that he or other RC officers did not do anything to  
25 injure -- I am sorry --

km

1 THE COURT: They denied that they did anything?

2 MR. CHRISTIAN: Yes. Denied that they did anything  
3 to injure Inmate KD during their shift on March 9th, 2008.

4 After providing investigators with a false  
5 statement Defendant Lohr communicated with another officer  
6 who was not involved in the beating. Defendant Lohr  
7 instructed this officer not to tell investigators that he,  
8 Defendant Lohr, was in ASIA at the time the other officers  
9 were.

10 THE COURT: If there was a trial in this case,  
11 Mr. Lohr, could the Government prove those facts?

12 THE DEFENDANT: Yes, Sir.

13 THE COURT: In conducting proceedings under Rule 11  
14 of the Federal Rules of Criminal Procedure in every case this  
15 Court proceeds to an *in camera* segment. The transcript of  
16 which is sealed. In order to determine the content of any  
17 sealed supplement to the Plea Agreement this portion of the  
18 proceedings is sealed and the record shall remain sealed  
19 until I order otherwise.

20 Ordinarily I clear the courtroom at this point but  
21 there is no one present today other than direct participants  
22 in this proceeding. We will make a record of his presence,  
23 in addition to myself and my Courtroom Deputy, the Defendant  
24 is here, his lawyer and three Federal Prosecutors.

25 Mr. Christian, you agree no one else is present?

km

1 MR. CHRISTIAN: I believe the Defendant's mother is  
2 present as well.

3 THE COURT: Oh. Okay. Ma'am, if you would now  
4 mind stepping out of the courtroom, I would be grateful. And  
5 with the exclusion of the Defendant's mother, do you agree,  
6 Mr. Christian, that no one else is present?

7 MR. CHRISTIAN: I do, Your Honor.

8 THE COURT: Mr. Owens, do you agree that no one  
9 else is present?

10 MR. OWENS: There is no one else in the courtroom,  
11 Your Honor.

12 THE COURT: Okay. And we will go back on to an  
13 open and public record. Mr. Cunningham, I would be grateful  
14 if you invited the Defendant's mother to rejoin us.

15 Mr. Lohr, do you understand that if I accept your  
16 Guilty Plea I will refer your case to the United States  
17 Probation Office for this District and direct them to prepare  
18 a Pre-Sentence Report. And only after I have reviewed the  
19 contents of that report and only after the Government and you  
20 and your attorney have had the opportunity to respond to the  
21 report, will I then impose sentence in your case?

22 THE DEFENDANT: I understand, Sir.

23 THE COURT: So, we started this about half an hour  
24 ago with me asking you how you pled to this One Count  
25 Information. You told me that you pled Guilty. And then I



km

1     responded to you by saying, well, I cannot accept your Guilty  
2     plea just yet, instead I need to have what is essentially a  
3     conversation with you where I ask you a series of questions  
4     and listen to the answers that you give me in order to  
5     determine whether I think you know what you are doing this  
6     afternoon.

7             But having been through that process now, where we  
8     have discussed your rights, your right to proceed to trial,  
9     your relationship with your lawyer, the potential sentence  
10    that you could receive, all the matters that I have deemed  
11    relevant to this matter, having discussed all that now, I  
12    have concluded that I think you do know what you are doing.

13            So, I am going to circle back to where I started  
14    and end where I started, which is by asking you how you  
15    plead. But this time your answer is for keeps. You with me?

16            THE DEFENDANT: Yes, Sir.

17            THE COURT: So, how do you plead to this One Count  
18    Information in this case, guilty or not guilty?

19            THE DEFENDANT: Guilty.

20            THE COURT: It is the finding of the Court in  
21    this case of the United States versus Ryan Lohr, case  
22    No. JKB-13-031, that the Defendant is fully competent and  
23    capable of entering an informed plea, that the Defendant is  
24    aware of the nature of the charges and consequences of the  
25    Guilty plea, and that the Guilty plea is a knowing and

km

1 voluntary plea supported by an independent basis in fact  
2 containing each of the essential elements of the offense.  
3 The plea is therefore accepted. And the Defendant is judged  
4 guilty of that offense.

5 Written Pre-Sentence Report will be prepared by the  
6 Probation Office. The Defendant is instructed to provide the  
7 Probation Office with the information that it requests as it  
8 prepares that report. The Defendant's attorney may be  
9 present when the Probation Officer interviews the Defendant.  
10 The Defendant and his attorney will be permitted to read the  
11 Pre-Sentence Report and file any objections to that report  
12 before the Sentencing Hearing.

13 During the Sentencing Hearing the Defendant and his  
14 attorney shall have the right to speak, to allocute before  
15 sentence is imposed.

16 Mr. Christian, are there any victims of this  
17 offense present and if so, do they wish to speak today?

18 MR. CHRISTIAN: They are not present, Your Honor.

19 THE COURT: Similarly, if any victims are present  
20 at the time of sentencing they will be afforded an  
21 opportunity to address the Court.

22 Government's position with respect to release or  
23 detention pending sentencing?

24 MR. CHRISTIAN: Your Honor, we concur with the  
25 recommendation from Pre-Sentence Services.

km

1 THE COURT: I reviewed their report and if there  
2 anything you wish to add, Mr. Owens?

3 MR. OWENS: Your Honor, I would simply ask you to  
4 follow the recommendation provided.

5 THE COURT: The -- report demonstrates to my  
6 satisfaction that the Defendant is not a flight risk and does  
7 not pose a danger to the community. So, I accept its  
8 recommendation and the Defendant will be released on his own  
9 recognizance without supervision from Pre-Trial Services. I  
10 am not going to enter an Order in that regard. Simply, Mr.  
11 Lohr, you are going to be obligated to remain in close  
12 contact with your lawyer between now and the time of  
13 sentencing.

14 So, you know what your obligations are, what  
15 meetings you must attend and so forth, and the most  
16 importantly you must be here to -- receive your sentence on  
17 the -- specified date. Which I propose as June 18th, 2013  
18 at two o'clock in the afternoon. Is that convenient,  
19 Mr. Owens?

20 MR. OWENS: Yes, Your Honor. That will work. And  
21 I believe in speaking with Mr. Christian we would both agree  
22 that that date may be subject to --

23 THE COURT: Yes.

24 MR. OWENS: -- a motion down the road --

25 THE COURT: Right.

km

1 MR. OWENS: -- as on any proceedings.

2 THE COURT: June 8th, 2013 at two p.m. I take it  
3 that is acceptable to the Government?

4 MR. CHRISTIAN: I am sorry, Your Honor, did you say  
5 June 8th or June 18th?

6 THE COURT: June 18th.

7 MR. CHRISTIAN: Yes, Your Honor, that will be fine.

8 THE COURT: I have entered a regular Sentencing  
9 Order in this case, setting the sentencing date as June 18th,  
10 2013 at two p.m. The Order also sets other dates and  
11 deadlines that are relevant to the sentencing process.  
12 Obviously, the Defendant is required to be present for  
13 sentencing on that date and at that time. Do you understand,  
14 Mr. Lohr?

15 THE DEFENDANT: Yes, Sir.

16 THE COURT: Any other matters we can productively  
17 address today, Mr. Christian?

18 MR. CHRISTIAN: No, Your Honor.

19 THE COURT: Mr. Owens?

20 MR. OWENS: No, Your Honor.

21 THE COURT: The Defendant continued on -- well, he  
22 was not previously placed on release. He is now ordered  
23 released on his own recognizance. Counsels are excused.  
24 Court is in recess.

25 MR. OWENS: Thank you.

km

1 (The document marked for  
2 identification as Government's  
3 Exhibit 1 was received in  
4 evidence.)

5 (Whereupon, the hearing was concluded.)

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

km

C E R T I F I C A T E

I certify that the foregoing is correct transcript  
from the electronic sound recording of the proceedings in the  
above-entitled matter.

/s/ Karen Morganelli  
Karen Morganelli  
Certified Transcriber  
Certificate No.: CET\*\*D-577

April 4, 2013  
Date